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Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

LAURA ELIZABETH GOLDMAN,

Plaintiff,

vs.

**WHOLE FOODS MARKET PACIFIC
NORTHWEST, INC. dba Whole Foods
Market, a foreign business corporation,**

Defendant.

Case No. 1:20-cv-00502

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332 and 1441,
and 1446

(Multnomah County Circuit Court Case
No. 20CV10904)

TO: The Judges and Clerk of the United States District Court for the District of Oregon:

Pursuant to 28 U.S.C. §§ 1332 and 1441, and 1446 Defendant Whole Foods Market Pacific Northwest, Inc. dba Whole Foods Market (“Defendant”), hereby files this Notice of Removal of Civil Action, removing the above-captioned action from the Circuit Court of the State of Oregon for the County of Multnomah, in which it is pending, to the United States District Court for the District of Oregon.

In support of removal, Defendant states as follows:

NOTICE OF REMOVAL IS TIMELY

1. On or about March 5, 2020, Plaintiff Laura Elizabeth Goldman (“Plaintiff”) initiated this action by filing a Complaint in the Circuit Court of the State of Oregon for the County of Multnomah, docketed at Case No. 20CV10904 (“State Court Action”). The Complaint names Defendant Whole Foods Market Pacific Northwest, Inc. dba Whole Foods Market (“Defendant”). (**Exhibit 1**).

2. This notice of removal is timely filed under 28 U.S.C. § 1446(b), which provides that a notice of removal must be filed within 30 days after defendant receives, by service or otherwise, the initial pleading. Defendant was served with a copy of plaintiff’s summons and complaint on March 6, 2020.

3. No further proceedings have been had in the Multnomah County Circuit Court as of the date of this removal. (**Exhibit 2**).

4. No previous requests have been made for the relief requested.

DIVERSITY JURISDICTION EXISTS

5. The Court has original jurisdiction over this action under 28 U.S.C. § 1332(a) since there is diversity of citizenship of the parties and greater than \$75,000, exclusive of interests and costs, in controversy.

6. Plaintiff’s Complaint alleges that Plaintiff is a resident of Washington County, Oregon. (Compl., ¶1 (a)).

7. Defendant is a Delaware corporation with its principal place of business in Bellevue, Washington.

8. Plaintiff’s Complaint alleges, among other things, that Defendant distributed, inspected, and/or sold an unreasonably dangerous product, causing plaintiff to become ill.

(Compl., ¶¶ 8-10).

9. Plaintiff's Complaint includes a \$160,426.00 prayer for relief stemming from Strict Liability, (Compl., ¶8), Negligence, (Compl., ¶13), and Breach of Implied Warranty claims, (Compl., ¶18). Therefore, the amount in controversy requirement as set forth in 28 U.S.C. § 1332, is satisfied.

REMOVAL TO THIS DISTRICT IS PROPER

10. Pursuant to 28 U.S.C. §§ 1332 and 1441, and 1446 removal of the above-captioned state court action to this court is appropriate.

11. Pursuant to 28 U.S.C. § 1441(a) and 1446(b), removal to this court is appropriate as the district and division embracing the place where the state court action is pending.

12. Defendant will promptly serve plaintiff with this Notice of Removal, informing plaintiff that this matter has been removed to federal court. Defendant will also promptly file a copy of this Notice of Removal with the Circuit Court of Multnomah County, Oregon, where the action is pending.

13. By removing this action, Defendant does not waive any objections or defenses, and Defendant specifically reserves all such objections or defenses it may have to this action.

DATED this 26th day of March, 2020.

LEWIS BRISBOIS BISGAARD & SMITH LLP

s/ Nicole M. Nowlin

Nicole M. Nowlin, OSB #051316

Nicole.Nowlin@lewisbrisbois.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that I served the foregoing **NOTICE OF REMOVAL** on the following attorneys by the method indicated below on the 26th day of March, 2020:

Attorneys for Plaintiff:

Christopher A. Larsen
Pickett Dummigan McCall LLP
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<input checked="" type="checkbox"/>	Via First Class Mail
<input type="checkbox"/>	Via Federal Express
<input checked="" type="checkbox"/>	Via CM/ECF System
<input type="checkbox"/>	Via Hand-Delivery
<input checked="" type="checkbox"/>	Via E-Mail

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: s/ Nicole M. Nowlin
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